

FREMONT PLANNING BOARD

August 9, 2006

Meeting Minutes

Approved August 16, 2006

Present: Chairman Larry Stilwell, Selectmen's Rep. Peter Bolduc, Member Leon Holmes, Jr., Member and CC Rep. Jack Karcz, Alternates Roger Barham, Dan Daley and Scott Boisvert, RPC Circuit Rider David West, Building Official Thom Roy and Land Use AA Meredith Bolduc.

Mr. Stilwell called the meeting to order at 7:30 pm and appointed Alternates Barham, Boisvert and Daley as voting members of the Board for tonight's meeting.

FUTURE LAND USE

Mr. Stilwell stated that it was agreed to discuss future land use at this meeting. However, there is no new information and the proposed ordinance is still not ready for final review.

There was a discussion relative to where open space development should go and whether the Planning Board or the developer should be the deciding entity. Mr. Stilwell stated that the purpose of open space subdivision is to minimize the amount of disturbed land by development and he outlined the procedure. He added that there will be a table in the ordinance relative to permitted uses in the various zoning districts. Mr. Roy stated that his belief that the control should be at the Planning Board level. He believes that cluster development is a way for the developer to use property and not necessarily to conserve open space. Mr. Roy added that he feels that the upper north side of Rt 107 is self-protecting as it is in the flood plain, the Aquifer Protection Area and the Prime Wetland and to open it up to the open space subdivision zoning would serve to invite development. Mr. West agreed, but questioned how to have it appear not arbitrary by the Board. Mr. Stilwell noted that part of the goals in the Master Plan is to protect open space and the Planning Board could be the one to decide how best it is protected. He added that the idea of proposing open space is to give the town control of the buildable area and what should go where. Mr. Barham stated that with cluster housing there are whole areas that are available to the public. It was noted that it would be the owners, and not the public, who would have access to any open space created by the development. Mr. Stilwell stated that the State has a mechanism to require design review which needs to be approved by the voters.

It was agreed to continue to address the Future Land Use at the August 23, 2006 meeting.

VISIONING CHAPTER OF THE MASTER PLAN

PUBLIC HEARING

Mr. Stilwell opened this Public Hearing at 8:30 pm and stated that this is the second scheduled Hearing for this document.

The Fremont Vision Chapter Draft includes;
Fremont Vision

Chapter I: Fremont Visioning Sessions, Vision for Fremont's Future Land Use, Possible Zoning Districts for

Fremont, How to Proceed with Zoning Districts,

Chapter II: Input from the Conservation Commission and Open Space Committee, Goals from the Fremont Conservation Commission, Methods of Achieving these stated goals

Chapter III Community Goals from 1998 Fremont Master Plan, Discussion, Conclusion

Chapter IV Smart Growth and Regional Planning Principles, Sustainability, Livability, Mobility

The Board extensively reviewed the Visioning Chapter Draft and made substantial changes to the document. It was agreed to contact Renee King and Matthew Thomas for their input for the recreation and historical sections, respectively.

At 10:00 pm Mr. Holmes made the motion to continue this Public Hearing to 8 pm on August 16, 2006. Motion seconded by Mr. Karcz with unanimous favorable vote.

SEACOAST FARMS

Map 5 Lot 035

The Board received a notice of a July 30, 2006 offsite odor complaint relative to Seacoast Farms, Map 5 Lot 035. Also received was a copy of an August 4, 2006 response and recommendation correspondence to Mr. Kelly from Douglas Kemp, NHDES.

Mr. Roy reported that on August 3, 2006 he and Mr. Karcz met at the Town Hall with Town Counsel John Ryan, Richard Uncles of the NH Department of Agriculture, Seacoast Farms operator Bob Kelly and Mr. Kelly's attorney Chris Boldt to discuss the Seacoast Farms operation. The group then visited the site. This meeting was at the call of Attorney Ryan and there were no decisions made.

Mr. Stilwell stated that, relative to offsite odor problems, the Towns Attorney, John Ryan, has reviewed the file of complaints of the last 7 years which was well within the descriptive bounds for public nuisance. Mr. Kelly was notified of an impending temporary injunction followed by a permanent injunction if there were more complaints. Mr. Stilwell stated that there were more complaints so the injunction document was drafted and signed by the Selectmen, but has yet to be filed. The August 3, 2006 meeting was prompted by the violations and part of the purpose was for discussions between the two attorneys.

Mr. Stilwell summarized events relative to the wetland encroachment issue;

1. The Planning Board has been pursuing Mr. Kelly with the contention that his compost operation has expanded to encroach into the wetland/watershed protection setback area.
2. The plan used for the original site plan review in 1999 was drawn from the property owner, John Galloway's original excavation plan and contained no wetland scientist stamp.
3. The Planning Board has been requesting an engineered plan inclusive of wetland delineation since fall of 2005.

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4. Richard Bond of RCCD viewed the site in May of 2006 and found wetlands encroachment and recommended, among other things, that a current Existing Conditions and Management Plan be submitted.
5. On July 5, 2006 the Board contacted Mr. Kelly referencing the Board's request of September 22, 2005 for a plan showing proper delineation of wetlands at the site and enclosed a copy of the May 16, 2006 report prepared by Richard Bond, CSS/CWS, of Rockingham County Conservation District which resulted from his May 10, 2006 site visit. In that correspondence the Planning Board gave Mr. Kelly until August 1, 2006 to submit an existing Conditions and Management Plan, as described in Mr. Bond's report, that will show delineated wetlands, the drainage swales, the barrier berms, etc. and is stamped by a wetland scientist, and a licensed land surveyor, and accompanied by a review report by the Rockingham County Conservation District and the Rockingham Planning Commission or he was to 'consider this letter as notice of noncompliance to wetland setbacks requirements and this Board would recommend to the Fremont Board of Selectmen that a cease and desist order be immediately issued. "

Mr. Stilwell stated that there has been no response to the July 5, 2006 correspondence nor has an existing Conditions and Management Plan been received. There was a discussion relative to whether to recommend a cease and desist for the operation.

After careful consideration by the Board, Mr. Daley made the motion to request the Selectmen to issue a cease and desist to Mr. Kelly for the Seacoast Farms compost operation, with a courtesy copy sent to property owner John Galloway.

Motion seconded by Mr. Holmes with unanimous favorable vote.

CHESTER BEARCE

Map 3 Lot 015

The Board received a July 31, 2006 request from Chester Bearce, former owner of the Map 3 Lot 015 gravel operation, requesting that the \$8,000.00 excavation bond and the \$500.00 road bond be released. Mr. Bearce no longer owns the property, there is subsequently an approved site plan that does not include a gravel operation or require the reclamation of a former one.

Mrs. Bolduc was directed to contact the new owner of the property to arrange for a site visit.

COOPER'S CORNER

Map 3 Lot 037-1

Mr. Stilwell reported that it has come to his attention that Cooper's Corner will be issued an amended Subdivision Approval number by the NHDES as a result of the changed placements and numbers of the septic systems on the property. This prompted a discussion of whether there needs to be an amended subdivision application or if the amended site plan would suffice. Mr. West will look into the matter and forward his findings to the Board at the next meeting.

ERIN MICHAUD

Map 2 Lot 156-1-21

The Board received a copy of the NHDES Subdivision Approval # SA2006007283 dated July 28, 2006. The

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Board received and reviewed the mylars and final plans for the recently approved Michaud subdivision, Map 2 Lot 156.1-21. It was determined that all conditions have now been met and the proper fees submitted.

The plans and mylars were signed and will be recorded at the Registry of Deeds within 3 business days.

BUDGET

The Board received the expenditure report through June along with a correspondence from Heidi stating that the 2007 core budget needs to be submitted to her by September 1, 2006. This was not addressed at tonight's meeting and will be placed on the August 16, 2006 agenda.

MINUTES

Mr. Karcz made the motion to approve the minutes of the July 19, 2006 meeting as written.

Motion seconded by Mr. Holmes with unanimous favorable vote except for Mr. Bolduc, Mr. Boisvert and Mr. Daley who abstained as they were not present at that meeting.

Mr. Karcz made the motion to approve the minutes of the July 26, 2006 meeting as written.

Motion seconded by Mr. Barham with unanimous favorable vote except for Mr. Holmes who abstained as he was not present at that meeting.

CORRESPONDENCE

1. A copy of an August 3, 2006 correspondence from the Selectmen to James Lufkin, Map 3 Lot 028, relative to non-compliant 3 residential unit building and an August 10, 2006 extended deadline for him to either submit a reconfigured plan to the Building Inspector eliminating the third unit or contact the Planning and/or Zoning Boards to begin the process for compliance. Mr. Bolduc stated he understands that Mr. Lufkin has had his septic design amended and stamped by the State for the three units that he has on the property.
2. A Notice of Regional Impact from the Town of Raymond relative to the Granite Meadows project at Exit 4 off Rt 101.

Mr. Karzc made the motion to adjourn at 10:45 pm.

Motion seconded by Mr. Holmes with unanimous favorable vote.

Respectfully submitted,
Meredith Bolduc, Secretary